

**AMENDMENTS TO THE DRAWINGS**

Figure 2 has been corrected as follows: (a) reference numeral “11” (which refers to the secondary pulley - ¶ [0057]) has been replaced with a “14” (which refers to the air flow meter - ¶ [0021]); and (b) reference numeral “12” (which reference to the V-belt - ¶ [0057]) has been replaced with a “15” (which refers to the crank angle sensor - ¶ [0021]).

**REMARKS**

Applicants request favorable reconsideration of this application in view of the foregoing amendments and the following remarks. Claims 1-10 were pending in the application and were rejected in the Office Action. By way of this amendment, Applicants have amended claims 1 and 7-10 and have cancelled claims 2-6, without prejudice or disclaimer. In addition, Applicants have added new claims 11-14, without adding new matter. Accordingly, claims 1 and 7-14 are respectfully presented for consideration.

**1. Rejection of Claims 4 and 5 under 35 U.S.C. § 112, ¶ 2**

The Examiner rejected claims 4 and 5 under 35 U.S.C. § 112, ¶ 2 as allegedly being “indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” This rejection is now moot due to the cancellation of claims 4 and 5, without prejudice or disclaimer. Accordingly, a withdrawal of the rejection is both warranted and earnestly solicited.

**2. Rejection of Claims 1-10 under 35 U.S.C. § 102(b)**

The Examiner rejected claims 1-10 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,433,676 (“Abe”). Preliminarily, this rejection is now moot with respect to claims 2-6, due to the cancellation of these claims, without prejudice or disclaimer. Accordingly, the rejection will be addressed, and respectfully traversed, with respect to claims 1 and 7-10.

As amended, independent claim 1 (*i.e.*, the claim from which claims 7 and 8 depend) recites a control apparatus for a vehicle that is provided with an engine and an automatic transmission connected to the engine. This control apparatus includes, among other possible things (*italic emphasis added*):

- a detection device that detects an operating state of the transmission;
- a torque regulating mechanism that regulates a torque of the engine; and
- a controller that is configured to:

- when the operating state of the transmission is a predetermined operating state and the torque of the engine is to be reduced, make a selection, based on the operating state of the transmission, between (i) a first torque reduction control whereby the torque of the engine is reduced rapidly and temporarily by (a) an ignition timing delay of the engine and/or (b) a reduction of a fuel amount supplied to the engine, and (ii) a second torque reduction control whereby the torque of the engine is reduced continuously, and more smoothly than in the

first torque reduction control *by reducing an engine intake air amount*;  
reduce the torque of the engine by the selected one of the first torque reduction control and the second torque reduction control; and  
switch to the second torque reduction control while the first torque reduction control continues for a predetermined period of time.

Similarly, amended claim 9 recites a control apparatus for a vehicle that is provided with an engine and an automatic transmission connected to the engine. This control apparatus includes, among other possible things (*italic emphasis added*):

means for detecting an operating state of the transmission;  
means for regulating a torque of the engine;  
means for making a selection when the operating state of the transmission is a predetermined operating state and the torque of the engine is to be reduced, based on the operating state of the transmission, between (i) a first torque reduction control whereby the torque of the engine is reduced rapidly and temporarily by (a) an ignition timing delay of the engine and/or (b) a reduction of a fuel amount supplied to the engine, and (ii) a second torque reduction control whereby the torque of the engine is reduced continuously, and more smoothly than in the first torque reduction control *by reducing an engine intake air amount*;  
means for reducing the torque of the engine by the selected one of the first torque reduction control and the second torque reduction control; and  
means for switching to the second torque reduction control while the first torque reduction control continues for a predetermined period of time.

Also similarly, amended claim 10 recites a control method for a vehicle that is provided with an engine, an automatic transmission connected to the engine, a detection device that detects an operating state of the transmission, and a torque regulating mechanism that regulates a torque of the engine. This method includes, among other possible steps (*italic emphasis added*):

making a selection when the operating state of the transmission is a predetermined operating state and the torque of the engine is to be reduced, based on the operating state of the transmission, between (i) a first torque reduction control whereby the torque of the engine is reduced rapidly and temporarily by (a) an ignition timing delay of the engine and/or (b) a reduction of a fuel amount supplied to the engine, and (ii) a second torque reduction control whereby the torque of the engine is reduced continuously, and more smoothly than in the first torque reduction control *by reducing an engine intake air amount*;  
reducing the torque of the engine by the selected one of the first torque reduction control and the second torque reduction control; and  
switching to the second torque reduction control while the first torque reduction control continues for a predetermined period of time.

As hereafter explained Abe fails to teach or suggest the control apparatus recited in claims 1 and 9 and the control method recited in claim 10.

Abe teaches a two-part torque reduction apparatus. Specifically, Abe teaches that during a high load condition, a light torque reduction is initially performed by reducing/cutting a fuel supply to half of the four cylinders for a predetermined period of time. Subsequently, the significant torque reduction is performed by reducing/cutting the fuel supply to all of the cylinders. *See, e.g.*, Fig. 28. Abe also teaches, as the Examiner indicates, that a reduction in torque can be achieved by retarding the ignition timing. *See, e.g.*, col. 18, lines 43-46. Abe, however, fails to teach or suggest reducing an intake air amount to affect a torque reduction. In contrast, the instant application teaches an embodiment in which a two-part torque reduction entails: (a) a reduction in fuel and/or an adjustment of the ignition timing; and (b) a reduction in the *air intake amount*. *See* ¶ [0053] and step S15 in Figure 4. Moreover, this feature is recited in independent claims 1, 9, and 10. Specifically, claims 1, 9, and 10 recite (and Abe fails to teach or suggest): “a second torque reduction control whereby the torque of the engine is reduced continuously . . . *by reducing an engine intake air amount.*”

As Abe fails to teach or suggest each of the limitations of claims 1, 9, and 10, Abe standing alone can not be used to reject these claims, or any claim dependent thereon, under 35 U.S.C. § 102(b). Moreover, as claims 7 and 8 depend from claim 1, each of these dependent claims is also allowable over Abe, without regard to the other patentable limitations recited therein. Accordingly, Applicants respectfully request a withdrawal of the rejection of claims 1 and 7-10 under § 102(b).

### **3. New Claims 11-14**

New claims 11 and 12 depend from claim 9, which as previously discussed is allowable over Abe. Accordingly, claims 11 and 12 are also allowable over Abe, without regard to the other patentable limitations recited therein.

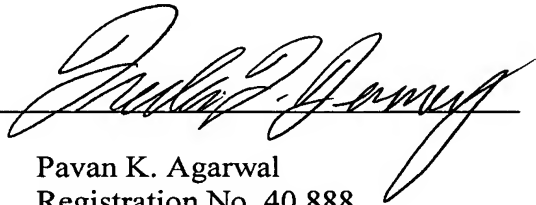
New claims 13 and 14 depend from claim 10, which as previously discussed is allowable over Abe. Accordingly, claims 13 and 14 are also allowable over Abe, without regard to the other patentable limitations recited therein.

**CONCLUSION**

For the aforementioned reasons, claims 1 and 7-14 are now in condition for allowance. A Notice of Allowance at an early date is respectfully requested. The Examiner is invited to contact the undersigned if such communication would expedite the prosecution of the application.

Respectfully submitted,

Date APR 06 2005

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